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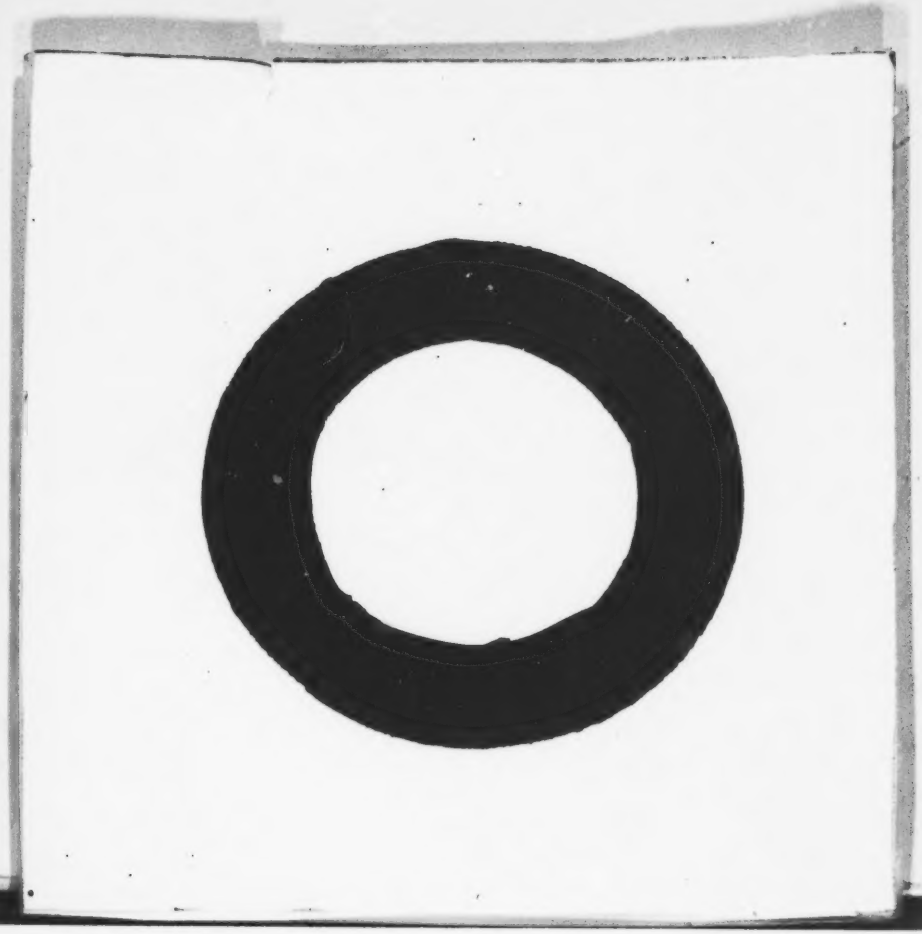
COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 7

THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION ON HUMAN RIGHTS

Draft decision submitted by Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim and Mrs. Palley

1900/.... Human rights and extreme poverty

At its ... meeting held on ... August 1990, the Sub-Commission decided to request Mr. Eduardo Suescún Monroy to prepare, without financial implications, the method and plan of work for the study on human rights and extreme poverty requested by the Commission on Human Rights in its resolution 1990/15, intended to explore the effects of extreme poverty on the exercise of all human rights and the conditions in which the poorest can themselves turn to account experience which is essential for a better understanding of the actual situation. It also decided to consider the preliminary version of this study at its forty-third session, under the agenda item entitled "The realization of economic, social and cultural rights".



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COMMISSION ON HUMAN RIGHTS

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Forty-second session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Heller, Mr. Joinet, Mr. Saboia and Mr. Suescún Monroy

1990/... Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 1989/6 of 31 August 1989,

Taking note of the fact that the Secretary-General, pursuant to Commission on Human Rights resolution 1990/80, on 6 July 1990 appointed Mr. Christian Tomuschat as his representative to consider the situation of human rights in Guatemala and to continue assistance to the Government in the field of human rights,

Taking account of the fact that, although the Government of Guatemala has taken legal measures to promote respect for human rights and fundamental freedoms and the functioning of democracy, situations characterized by violations by groups or sectors in authority persist,

Concerned about reports that serious violations of human rights, such as disappearances and extrajudicial executions, continue to occur, notwithstanding the efforts of the Government,

Concerned about the situation of the indigenous population, whose human rights and fundamental freedoms are being seriously violated,

Concerned also about the serious shortcomings in economic, social and cultural rights, which particularly affect the majority indigenous population in Guatemala, and about the lack of effective measures to improve this situation,

Aware of the fact that the refugees who are willing to return to Guatemala and are in their majority indigenous inhabitants require that the Government of Guatemala should intensify its efforts to create the conditions that will enable them to return to their places of origin, with full guarantees of their security and respect for the exercise of their human rights,

Taking note with gratitude of the commencement of talks between the various sectors of Guatemalan society and Guatemalan National Revolutionary Unity (URNG), talks which are being held under the auspices of the National Reconciliation Commission, with the presence of a representative of the Secretary-General of the United Nations and with the support of the Government of Guatemala,

Encouraged by the fact that the National Reconciliation Commission and URNG, last March, signed the Oslo Agreement, whose objective is to achieve a political solution to the armed conflict, and that on 1 June 1990 the Guatemalan political parties and URNG signed the El Escorial Agreement, which recognizes: the need to promote the incorporation of all forces and political and social sectors in order to perfect the democratic system, the full exercise of human rights, social justice and economic development; the need to stimulate a process of institutional revision and reform with the undertaking to promote the reform of the Constitution; and the will of the parties to promote political measures which will help to make feasible the incorporation of URNG within the national political process, in order that it may participate in the National Constituent Assembly to be established in 1991,

1. Exhorts the Government of Guatemala to intensify its efforts to ensure that the human rights and fundamental freedoms of its citizens are fully respected, to adopt and implement energetic measures to prevent violations of these rights and freedoms, to protect and promote the organizations which safeguard human rights, and to undertake investigations of violations of human rights;

2. Urges the Government of Guatemala to adopt practical measures to improve the economic, social and political conditions of the indigenous peoples, taking into account their petitions and proposals, together with all relevant international standards in this field;

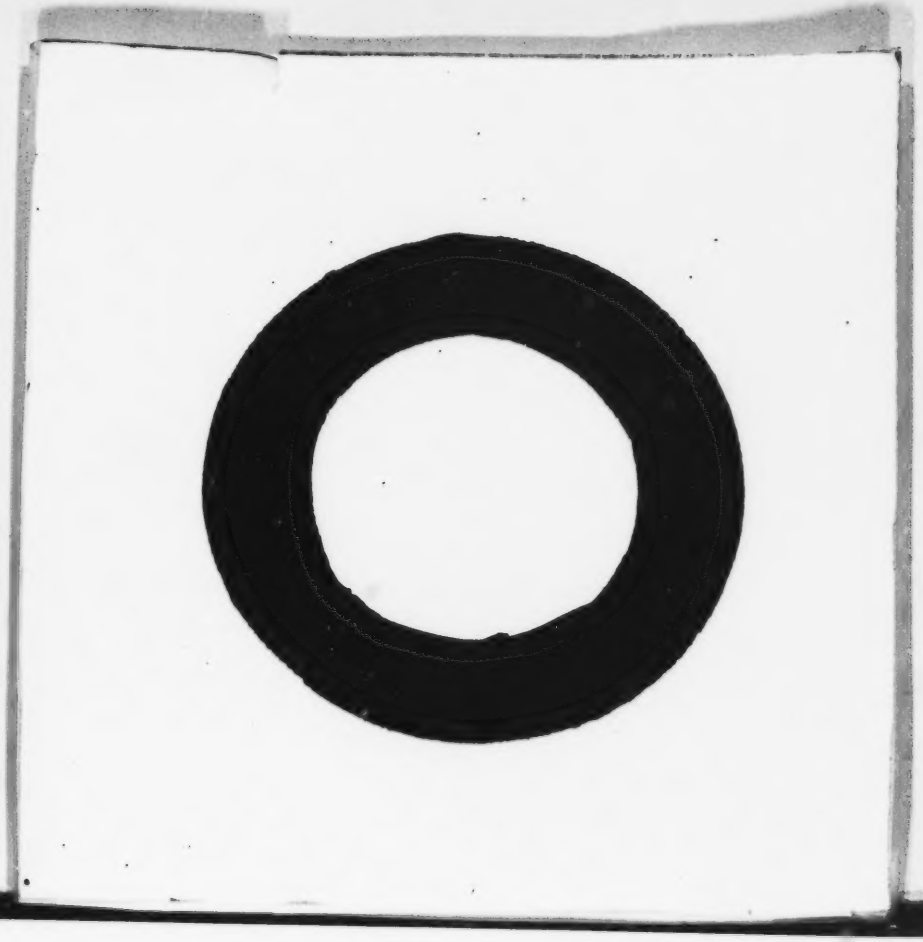
3. Encourages the Government of Guatemala to continue to support the process of national reconciliation, and especially the talks between the various sectors of Guatemalan society and URNG organized by the National Reconciliation Commission with the aim of achieving a peaceful solution to the long process of confrontation which Guatemala has experienced;

4. Calls on all the parties concerned to continue the talks established under the Oslo Agreement, and to create the appropriate conditions for the achievement of national reconciliation and the cessation of armed actions contrary to that objective;

5. Deems it urgent that the Government of Guatemala should intensify its efforts to ensure that all authorities and security forces fully respect the human rights and fundamental freedoms of its citizens, in the conviction that this will help to generate the necessary climate of confidence for the round of talks currently under way;

6. Emphasizes the importance of the independence of the judicial system as a fundamental condition for effectively protecting human rights and ensuring that the persons responsible for violations are brought to trial and punished, and for complying with national legislation and international agreements;

7. Stresses the need to provide assistance in the field of human rights, both to the Government and to the Guatemalan non-governmental organizations that require it.



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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
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Forty-second session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

Draft resolution submitted by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Sachar, Mr. Sadi, Mr. Treat, Ms. Warzazi and Mr. Yimer

Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1989/108 of 31 August 1989 in which it requested Mrs. Fatma Zohra Ksentini to prepare a concise note setting forth the methods by which a study on human rights and the environment could be undertaken,

Taking note of Commission on Human Rights resolution 1990/41 of 6 March 1990, in which the Commission stressed the importance of the preservation of life-sustaining ecosystems to the promotion of human rights, welcomed Sub-Commission decision 1989/108, and requested the Secretary-General to keep the Preparatory Committee of the United Nations Conference on Environment and Development informed of the work in this field,

Taking note also of General Assembly resolution 37/7 of 28 October 1982 proclaiming the World Charter for Nature and the Stockholm Declaration of June 1979,

Affirming the inextricable relationship between human rights and the environment,

Aware, as was the General Assembly in the declaration of its eighteenth special session (A/S-18/14, para. 29) of the importance of the elimination of poverty for the protection of the world's environment,

Recalling General Assembly resolution 44/228 of 22 December 1989 regarding the United Nations Conference on Environment and Development to be held in Brazil in 1992,

Aware of the need to identify new trends in international law relating to the human rights dimension of environmental protection,

Having considered carefully the concise note of Mrs. Ksentini (E/CN.4/Sub.2/1990/12),

1. Welcomes with appreciation the concise note prepared by Mrs. Ksentini;

2. Entrusts Mrs. Ksentini with the task of preparing a study on human rights and the environment;

3. Requests Mrs. Ksentini to present a preliminary report to the Sub-Commission at its forty-third session, with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development;

4. Recommends to the Commission on Human Rights the following draft resolution for adoption:

The Commission on Human Rights,

Noting General Assembly resolution 44/228 of 22 December 1989 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of ... August 1990,

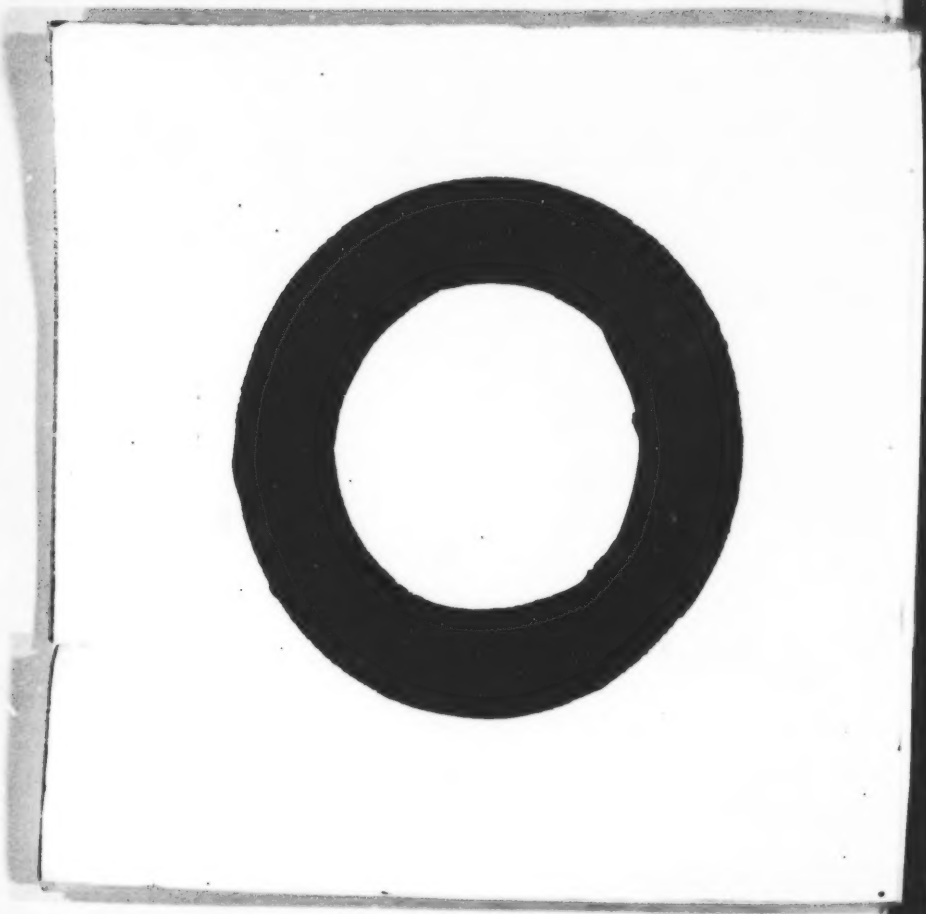
1. Endorses the decision of the Sub-Commission to entrust Mrs. Fatma Zohra Ksentini with the task of preparing a study on human rights and the environment;

2. Requests the Secretary-General to invite Governments, United Nations organs, specialized agencies, intergovernmental and non-governmental organizations, and indigenous people's organizations, to provide her with information relevant for the preparation of her report;

3. Recommends to the Preparatory Committee of the United Nations Conference on Environment and Development that Mrs. Ksentini be invited to participate as an observer at the sessions of the Preparatory Committee and the Conference;

4. Recommends to the Economic and Social Council the adoption of the following draft decision:

"The Economic and Social Council, noting Commission on Human Rights resolution 1991/... of ... March 1991, approves the endorsement of the appointment of Mrs. Fatma Zohra Ksentini to prepare a study on human rights and the environment and requests the Secretary-General to provide her with all of the assistance she may need for the completion of this task."



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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Alfonso Martinez, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Sachar, Mr. Sadi and Mr. Tian Jin

Situation in the Palestinian and other
Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the United Nations and, in particular, respect for the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva Conventions of 1949, of the principles and provisions of international law, and of the obligations arising from the regulations annexed to the Hague Convention IV of 1907 on the Laws and Customs of War on Land,

Noting that all States parties to the Geneva Conventions of 1949 have undertaken to respect and to ensure respect for the Conventions under all circumstances,

Recalling all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel,

Recalling the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988 and 636 (1989) of 6 July 1989,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and the relevant reports of the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 18 and 19 August 1988 with respect to Israel's repeated violations of the Fourth Geneva Convention of 1949, and its refusal to apply its provisions in the occupied territories,

Affirming its previous resolutions in this respect,

Deeply alarmed at Israel's persistent refusal to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and to apply it to the Palestinians in the occupied Palestinian territories, and to Israel's systematic and established violation of human rights over the past 23 years, and its persistence in perpetrating massacres against the Palestinian people, as happened recently in Nahalin village on 13 April 1989 and in Rishon Letzion on 21 May 1990, and in the deportation and expulsion of Palestinian citizens,

1. Reaffirms that Israeli occupation itself constitutes a gross and systematic violation of human rights in the occupied Palestinian, and other Arab territories, including Jerusalem, and an aggression under international law;

2. Reaffirms that the acts perpetrated by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical safety, subjecting cities, villages and camps to living conditions designed to

strangulate and destroy them by imposing curfews thereon and preventing their provision with food and medical supplies, firing gas bombs inside the houses, mosques, churches and hospitals thus causing the death of many people by asphyxia, preventing new births by aborting pregnant women through severe beating and throwing gas bombs inside their homes, torturing Palestinian detainees, imposing collective punishment and administrative detention on thousands of Palestinians, expelling and deporting them outside their homeland, bringing great numbers of Jewish immigrants from all over the world and settling them in the occupied Palestinian territories, thus modifying the demographic character of those territories, closing schools and universities, desecrating holy places and demolishing houses, all such acts constitute grave violations of international law;

3. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that Israel's continued disregard and rejection of the provisions of this Convention constitute gross violations of the principles of international law which makes it the responsibility of the international community to provide protection for the Palestinian people under occupation in the light of the provisions of the said Convention, until the end of the Israeli occupation of the Palestinian territory;

4. Calls upon the States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to apply Article 1 of the Convention and to ensure respect by Israel for the Convention, and to secure protection for the Palestinian people under occupation in accordance with Articles 9, 10, 11 and 12 of this Convention;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means in accordance with United Nations resolutions and affirms that the intifada of the Palestinian people against occupation since 8 December 1987 is one such means confirming their determination to liberate their land of the Israeli occupation and exercise their national rights on their national soil;

6. Reaffirms the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference, and the establishment of their independent sovereign State on their national soil in accordance with United Nations General Assembly resolutions;

7. Condems Israel for:

(a) Its gross violations of the international conventions, rules of international law, and the Geneva Conventions of 1949 through its systematic and established practices mentioned herein, and calls upon Israel to desist therefrom forthwith and withdraw from the Palestinian and other Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

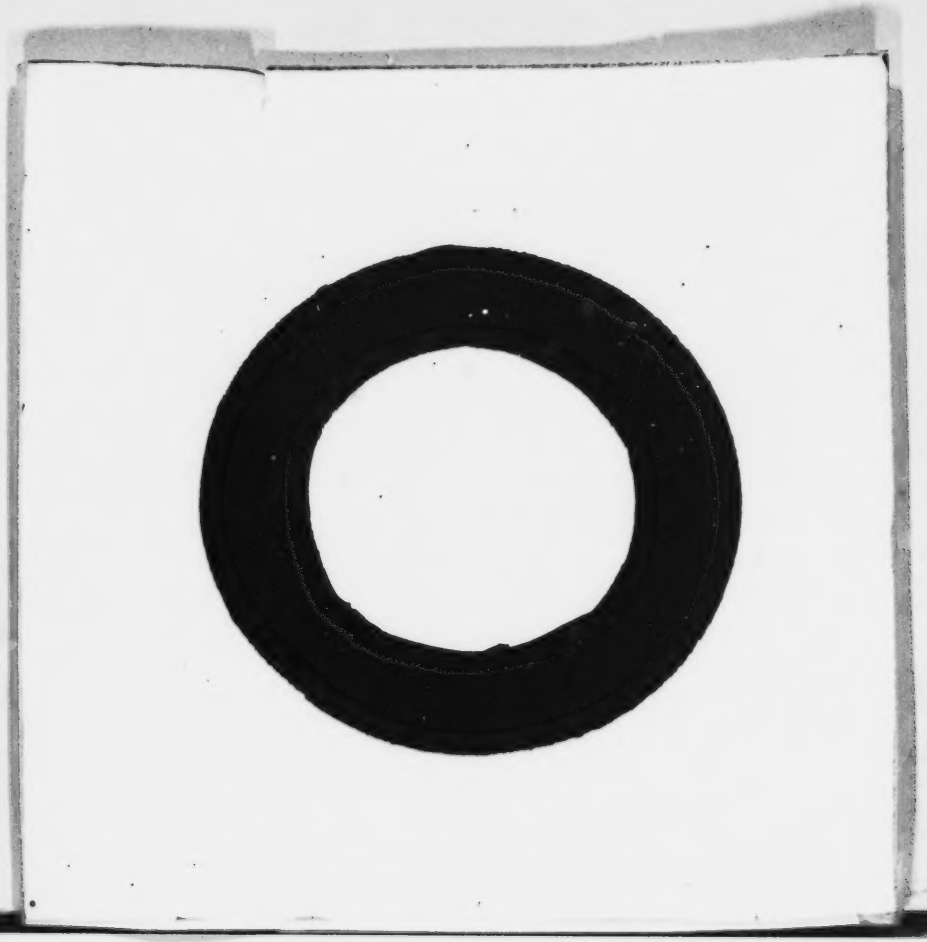
(b) Establishing Israeli settlements in the occupied Palestinian and other occupied Arab territories and calls for their dismantlement. It confirms that all measures taken by Israel with the purpose of altering the political, cultural, religious and other characters in the occupied Palestinian and other occupied Arab territories are illegal, null and void;

(c) Its continued occupation of the Syrian Arab Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and considers that the decision issued by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Arab Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards; which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Supports once again the call to convene an international peace conference on the Midle East with the participation of all parties to the conflict, including the Palestine Liberation Organization as an equal partner and the five permanent Member States of the Security Council in accordance with Security Council resolution 242 (1967) of 22 November 1967 and all General Assembly resolutions and on the basis of the established rights of the Palestinian people, especially their right to self-determination and the withdrawal of the Israeli occupation forces from all occupied Arab territories, including Jerusalem;

9. Requests the Secretary-General to provide the Sub-Commission, at its forty-third session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and all other information relevant to the implementation of the present resolution.



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Forty-second session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolu -itted by Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Hatano, Mr. ., Mr. Merills, Mr. Suescún Monroy, Mr. Treat and Mr. Yimer

The situation in Iraq and in occupied Kuwait

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights,

Concerned by reliable reports of mass extrajudicial executions, enforced or involuntary disappearances and arbitrary detention in Iraq, as reflected in the report of the Special Rapporteur on Summary or Arbitrary Executions

(E/CN.4/1990/22), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and specific and detailed reports of non-governmental organizations,

Concerned also by the situation of thousands of displaced Kurds living in camps in the north of Iraq, and the attacks on, and the forced displacement of, a part of the Shi'a population in the south,

Concerned also by reliable reports that hundreds of Iraqis living in Kuwait and suspected of being opponents of the Iraqi Government were arrested following the invasion of Kuwait by Iraqi troops, and that thousands of foreign citizens in Iraq and Kuwait have been prevented from leaving those countries since the invasion,

1. Expresses concern at the situation of human rights and fundamental freedoms in Iraq;

2. Urges the Government of Iraq to ensure full respect for human rights and fundamental freedoms;

3. Calls urgently upon the Government of Iraq to allow all foreign nationals to leave Iraq and Kuwait immediately;

4. Recommends to the Commission on Human Rights that it study carefully at its forty-seventh session the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq.

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COMMISSION ON HUMAN RIGHTS

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Forty-second session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Draft resolution submitted by Ms. Daes

Violations of the human rights of staff members and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that a significant number of staff members and other persons acting under the authority of the United Nations have been, over the years, detained, unaccounted for or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988 and 44/186 of 19 December 1989, Commission resolutions 1989/28 of 6 March 1989 and 1990/31 of 2 March 1990 and Sub-Commission resolutions 1987/21, 1988/28 and 1989/30,

Recalling further the recommendations of the Administrative Committee on Co-ordination of the United Nations system adopted in 1987,

Deploring the persistence of violations of the fundamental rights of staff members and other persons acting under the authority of the United Nations and the continuous threats against their security and independence, in spite of these resolutions,

Conscious that human rights violations can only have a negative effect on the implementation of the mandates of the United Nations, especially at a time when the Organization is being called upon to undertake greater responsibilities in various parts of the world,

Noting with grave concern that, according to reliable reports, the health of detained officials has in some cases seriously deteriorated during their period of detention,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results to ensure the security of international civil servants or to settle in a satisfactory way some cases,

1. Urges again Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the personnel of the United Nations system and their families, including experts and consultants, are fully respected;

3. Urges Governments and other entities holding de facto territorial power to allow physicians to investigate cases in which the health of the personnel of the United Nations system and experts and their families being detained is reported to have suffered and to permit the necessary medical treatment to be made available through a physician agreed upon by the United Nations, in as much as possible of their own choosing;

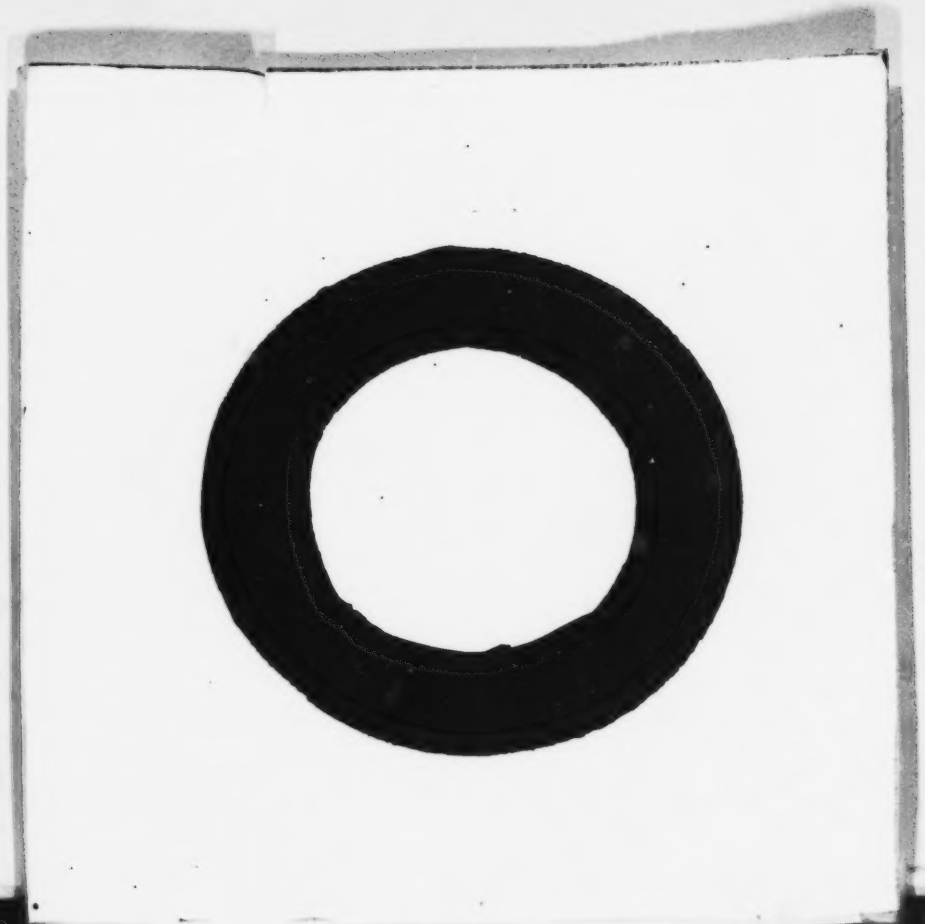
4. Urges Governments and other entities holding de facto territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon Governments and other entities detaining personnel of the United Nations system to allow the representative of the competent international organization to attending any hearing concerning them and their families;

6. Requests the Member States, the Secretary-General, and the heads of secretariat of the specialized agencies who have not yet done so, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, to communicate all information concerning cases of arrest, detention, or abduction of officials of the United Nations or the specialized agencies, since 1980, in order to enable the Special Rapporteur to complete the mission assigned to her;

7. Expressed its appreciation to Mrs. Bautista for her up-dated report (E/CN.4/Sub.2/1990/28) on the violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of these violations on the functioning of the United Nations organs and agencies;

8. Invites Mrs. Bautista to continue her study so as to submit to the Sub-Commission, at its forty-third session, a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants.



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Forty-second session

Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft resolution submitted by Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mrs. Mbonu, Mr. Merills, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer

Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that in accordance with the Universal Declaration of Human Rights, the Proclamation of Teheran and General Assembly resolution 32/130 of 16 December 1977 equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, particularly the rights of the most disadvantaged,

Conscious also of the fact that the implementation of efficient measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of extreme poverty and its effects on the exercise of human rights,

Taking into account Commission on Human Rights resolution 1990/17 of 23 February 1990 by which the Commission requested the Special Rapporteur to give priority to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged, and to consider the issue again at its forty-seventh session,

Convinced of the need to consider more effective and practical measures for the fuller realization of economic, social and cultural rights, which take into account recent developments in the world economic and social situation as well as in international law,

1. Expresses its appreciation to the Special Rapporteur, Mr. Danilo Türk, for the preparation of his progress report entitled "Realization of economic, social and cultural rights" (E/CN.4/Sub.2/1990/19);

2. Endorses the preliminary recommendations made in that progress report (para. 218);

3. Requests the Special Rapporteur to prepare a second progress report on the realization of economic, social and cultural rights, taking into account all comments made in the discussion on the progress report at the forty-second session of the Sub-Commission;

4. Encourages the Special Rapporteur to establish direct contact with international financial institutions as well as United Nations agencies utilizing social and economic data and indicators relevant to the current study;

5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the successful completion of his task and make available to the Special Rapporteur the necessary input assistance in order to help him analyse the data collected;

6. Invites the Commission on Human Rights to consider, at its forty-seventh session, requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights;

7. Decides to consider the above-mentioned progress report at its forty-third session under a separate agenda item entitled "The realization of economic, social and cultural rights".

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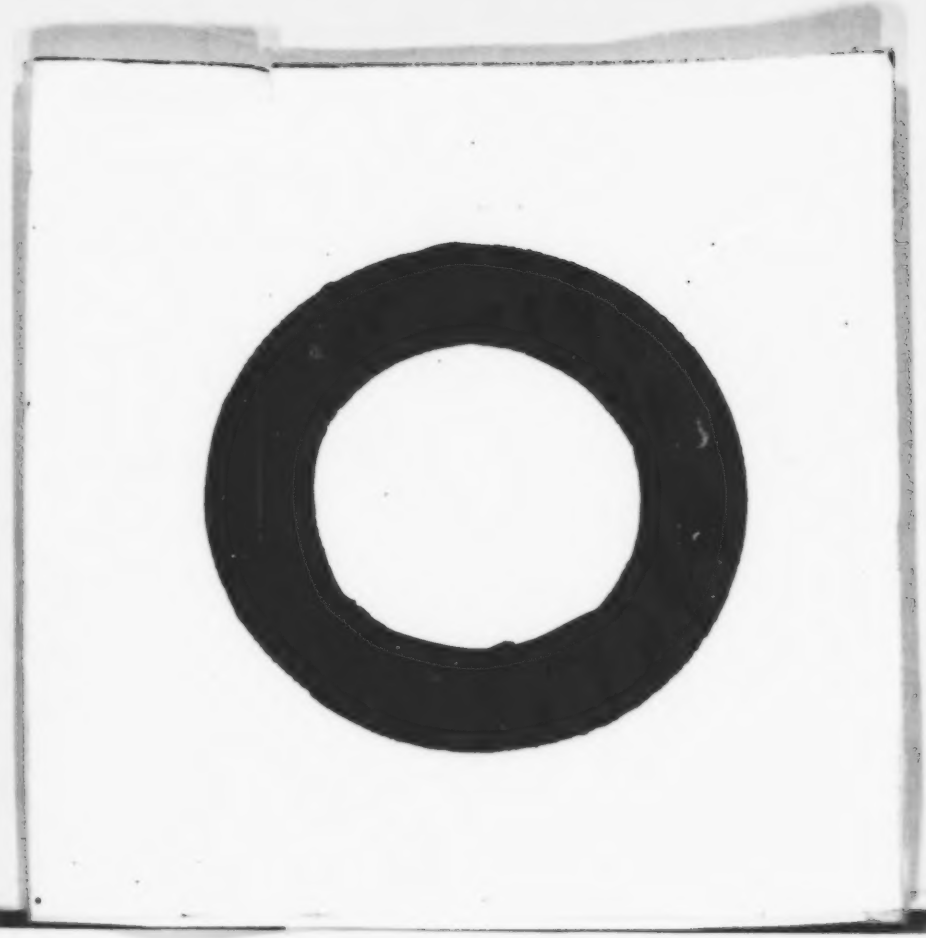

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Forty-second session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Draft resolution submitted by Mr. Hatano,
Mr. Ilkahanaf and Mr. Joinet

1990/ . Application of international standards concerning the human rights of detained juveniles

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/31 of 1 September 1989, deciding to appoint Ms. Mary Concepción Bautista to prepare a report on the application of international standards concerning the human rights of detained juveniles,

Considering that in March 1990, questionnaires were sent to Governments and non-governmental organizations to elicit information relevant to the preparation of this report,

Noting that the replies received from Governments and non-governmental organizations could not be incorporated into the preliminary report, for lack of sufficient time to do so,

Convinced that this matter deserves continued attention, and that additional information should be sought from Governments and non-governmental organizations,

1. Requests the Secretary-General to circulate the questionnaire prepared by Ms. Bautista to the widest possible range of Governments, specialized agencies and non-governmental organizations, at the earliest possible time, so that the replies can be included in a report at its forty-third session;

2. Decides to extend the mandate of Ms. Bautista, in accordance with its resolution 1989/31, until its forty-third session.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Despouy, Mr. Heller, Mr. Saboia and Mr. Suescún Monroy

1990/... Situation of human rights in El Salvador

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and article 3 common to the Geneva Conventions and Additional Protocol II thereto,

Considering that the Government of El Salvador is a signatory of numerous international conventions on human rights,

Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will to assume the commitment of respecting the attributes inherent in the human person,

Welcoming the fact that, on 4 April 1990, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional agreed to conduct a process of dialogue with the aim of ending the armed conflict by political means as soon as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

Observing that on 26 July, as part of this process, the Parties reached a partial agreement on human rights at San José, Costa Rica, under which, inter alia, they pledged immediately to take all necessary actions and measures to avoid any type of act or practice prejudicial to the life, integrity, security and freedom of persons to eliminate any form of disappearances and abductions and to give priority to investigating any cases of this kind which might occur in order to identify and punish the culprits,

Deeply concerned at the lack of substantial progress in conducting the judicial investigation into the cold-blooded mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces and in punishing the culprits,

Regretting that, although the Parties have reached a partial agreement on human rights, serious human rights violations requiring ongoing attention and vigilance by the United Nations continue to occur,

Noting with satisfaction that the two Parties have agreed to determine, in the course of the present negotiations, the appropriate legal procedures and time-frame for releasing persons detained for political reasons,

Welcoming the fact that the Parties have agreed to request the Secretary-General to dispatch a mission to verify the agreements on human rights, paying special attention to the observance of the rights to life, integrity and security of person, due legal process, personal freedom, freedom of expression and freedom of association and in particular endeavouring to clarify any situation which appears to reveal a consistent practice of human rights violations and, as appropriate, recommend to the Party concerned by the matter appropriate measures for eliminating such a practice,

1. Expresses its deep concern over the persistent increase in the number of human rights violations being committed for political reasons in El Salvador and over the continued failure to observe the humanitarian rules of war;

2. Welcomes the fact that, in their efforts to resolve the present armed conflict, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have concluded agreements and taken verification measures on human rights, since strict compliance with these rights is essential for guaranteeing a just and lasting peace;

3. Urges the immediate adoption of all necessary actions and measures, as were agreed, to avoid any type of act or practice prejudicial to the life, integrity, security and freedom of persons and to eliminate any form of disappearances and abductions, as well as to give priority to investigating any cases of this kind which might occur and identifying and punishing the culprits;

4. Calls upon the Government of El Salvador to take all necessary measures to continue the investigation into the foul murder of the Rector and another seven members of the Central American University with a view to punishing all those guilty of this crime, which has been condemned by the international community;

5. Urges the Government and the Frente Farabundo Martí para la Liberación Nacional, in addition to reaching an agreement on the priority subject of armed force, to endeavour to arrive at the other political agreements on human rights, the judicial system, the electoral system, constitutional reform, economic and social problems and United Nations verification which they have agreed to be necessary to put an end to the armed conflict and to any act not respecting human rights;

6. Urges the two Parties that, as agreed, they should determine as soon as possible the appropriate legal procedures and time-frame for releasing persons detained for political reasons;

7. Gives its full support and co-operation to the Secretary-General of the United Nations with a view to the effective realization, at the earliest possible date, of the verification mission on human rights in El Salvador which has been agreed to by the Government of that country and the Frente Farabundo Martí para la Liberación Nacional;

8. Recommends to the Special Representative of the Commission on Human Rights that, in his report to the General Assembly, he should place special emphasis on verifying whether the commitments and measures set out in the agreement on human rights signed by the two Parties on 26 July 1990 have been implemented;

9. Urges the Parties to give their fullest support to the United Nations mission, providing it with all the facilities that it requires to perform its functions and complying promptly with recommendations made to it by the mission;

10. Decides to consider the situation of human rights in El Salvador at its forty-third session.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 3

REVIEW OF THE WORK OF THE SUB-COMMISSION

Draft resolution submitted by Mr. William Treat

1990/... Co-operation between the Sub-Commission and the Human Rights Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the action of the creation by the United Nations of the Commission on Human Rights in 1945 and the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1947,

Considering that the strategic objectives of the Commission on Human Rights and the Sub-Commission can best be achieved through a co-ordinated effort,

Noting that the Sub-Commission is a body of independent experts and must take all necessary steps to maintain and enlarge its independence,

Believing that the common good of the Commission on Human Rights and the Sub-Commission can best be accomplished by a continuing co-ordination of the two human rights bodies,

Recognizing the need to avoid unnecessary duplication of efforts,

Bearing in mind the rapidly expanding work load of each body and the increasing interest in human rights throughout the world,

1. Expresses the desire to explore with the Commission on Human Rights the possibility of creating a continuing group for the co-ordination of the work of the two bodies;

2. Recommends that the chairman of each body create a joint committee, with the approval of their respective bodies, to submit a report to the respective bodies outlining proposals for the improvement of the efficiency and productivity of the Commission on Human Rights and the Sub-Commission.

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COMMISSION ON HUMAN RIGHTS

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Forty-second session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Ms. Daes, Mr. Joinet and Mr. Merills

Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Noting the changing international situation which is conducive to dialogue and negotiations as the most adequate means of resolving local, national and interstate disputes,

Recalling General Assembly resolution 37/30 of 23 November 1982 and the unanimous Security Council resolution 384 of 22 December 1975 and 389 of 22 April 1976,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987 and 1989/7 of 31 August 1989 concerning the situation in East Timor,

Considering that according to reliable allegations, the people of East Timor continue to be subjected to gross violations of human rights,

Regretting the restrictions imposed by local military authorities upon the activities of specialized non-governmental organizations,

1. Welcomes and encourages the exercise by the Secretary-General of his good offices as mandated by General Assembly resolution 37/30 of 23 November 1982 with a view to exploring the avenues for finding a comprehensive solution to the problem of East Timor;

2. Requests the Indonesian authorities to facilitate the access to the territory of international humanitarian and development organizations;

3. Appeals to all sides to exercise restraint and, guided by the spirit of dialogue and negotiations, to co-operate fully with the Secretary-General in the exercise of his good-offices with a view to finding a durable settlement of the conflict;

4. Recommends to the Commission that it consider, at its forty-seventh session, the situation pertaining to human rights and fundamental freedoms in East Timor and to this purpose asks the Secretariat to transmit to the Commission all the reliable information received.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
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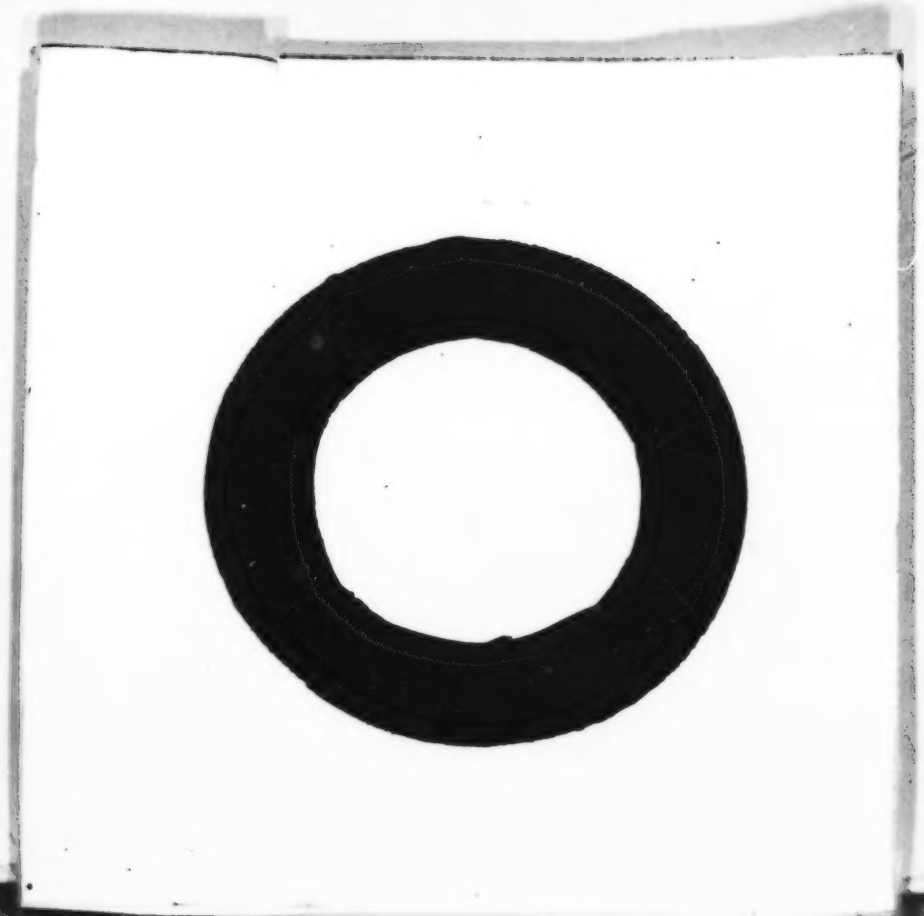
Forty-second session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Draft decision submitted by Mr. Despouy

Protection of staff members of the United Nations system

At its ... meeting, on ... 1990, the Sub-Commission, noting with concern General Assembly resolution 44/186 of 19 December 1989 and Commission on Human Rights resolution 1990/31 of 2 March 1990, and recalling its resolutions 1988/9 and 1989/30 as well as Mrs. Bautista's study (E/CN.4/Sub.2/1990/30) highlighting the disturbing situation of United Nations staff members, experts and their families detained, missing or held in a country against their will, decides to express the wish that, on the commemoration of the forty-second anniversary of the Universal Declaration of Human Rights to take place within the United Nations on 10 December 1990, this situation will be described to the general public and the existing means of guaranteeing the independence and security of United Nations officials will be examined.



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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
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Forty-second session
Agenda item 19

THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

Draft decision submitted by Mr. Alfonso Martínez, Mr. Eide, Mr. Flinterman, Mr. Maxim and Mrs. Mbonu

1990/.... The right of everyone to leave any country, including his own, and to return to his country

At its ... meeting, on ... August 1990, the Sub-Commission decided to establish, at its forty-third session, a sessional open-ended working group with the view to continuing to work on the preparation of a revised version of the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/Sub.2/1988/35 and Add.1, annex I).

The Sub-Commission further decided to ask Mr. W. Sadi to prepare, without financial implications, a revised version of the above-mentioned draft declaration, on the basis of the discussions in the open-ended working group

at its forty-second session and the comments and proposals contained in document E/CN.4/Sub.2/1990/47, to be submitted next year for analysis and discussion by the working group with a view, if possible, to its submission to the Sub-Commission at its forty-third session.

It further decided to invite the Special Rapporteur, Mr. Mubanga-Chipoya, to be present in Geneva during the meetings of the working group.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Mr. Alfonso Martinez,
Ms. Daes, Mrs. Mbonu and Ms. Warzazi

The ownership and control of the cultural
property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the past and continuing destruction and confiscation of indigenous peoples' skeletal remains, burial artifacts and other objects of religious and cultural significance which has accompanied the colonization of indigenous territories and resources,

Aware also of extensive international traffic in indigenous cultural property and of the inappropriate display of items of considerable religious and cultural significance to indigenous peoples in the collections of museums, universities and other institutions, public and private, throughout the world,

Deeply concerned that the denial to indigenous peoples of the ownership and control of these items causes them considerable anguish, undermines the revitalization and strengthening of their cultures and traditions and interferes with the pursuit of their political, economic, social, religious and cultural development in conditions of freedom and dignity,

Noting with concern the lack of response by most institutions to the repeated and longstanding requests of indigenous peoples for the return of their skeletal remains, burial artifacts and other objects of religious and cultural significance,

Greatly appreciating however recent instances of the voluntary return of indigenous peoples' skeletal remains by a number of institutions of international standing,

Appreciating also the efforts of organizations such as United Nations Educational, Scientific and Cultural Organization in documenting the locations of the cultural property of indigenous peoples in collections throughout the world,

Noting with interest the announcement by the Government of Australia to the eighth session of the Working Group on Indigenous Populations of the development of a national position and strategy for the return of significant indigenous cultural material, particularly skeletal material, from overseas collections,

Noting the provisions contained in the working text of the draft universal declaration on the rights of indigenous peoples as contained in annex II to the report of the Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42); in particular, the rights of indigenous peoples to protection against ethnocide and cultural genocide (para.5); to preserve their cultural identity and traditions and to pursue their own cultural development, including the rights to control and maintain the manifestations of their cultures (para.6); and to manifest, teach, practise and observe their own spiritual traditions, customs and ceremonies, to maintain, protect and have access in privacy to sacred sites, ceremonial implements, natural materials and burial grounds for these purposes, and the right to the repatriation of human remains (para.8),

1. Requests all individuals and all museums, universities and other institutions, public and private, to prepare comprehensive lists of all indigenous peoples' skeletal remains, burial artifacts and other items of

religious and cultural significance to indigenous peoples which are in their possession and to disseminate these lists widely among indigenous peoples;

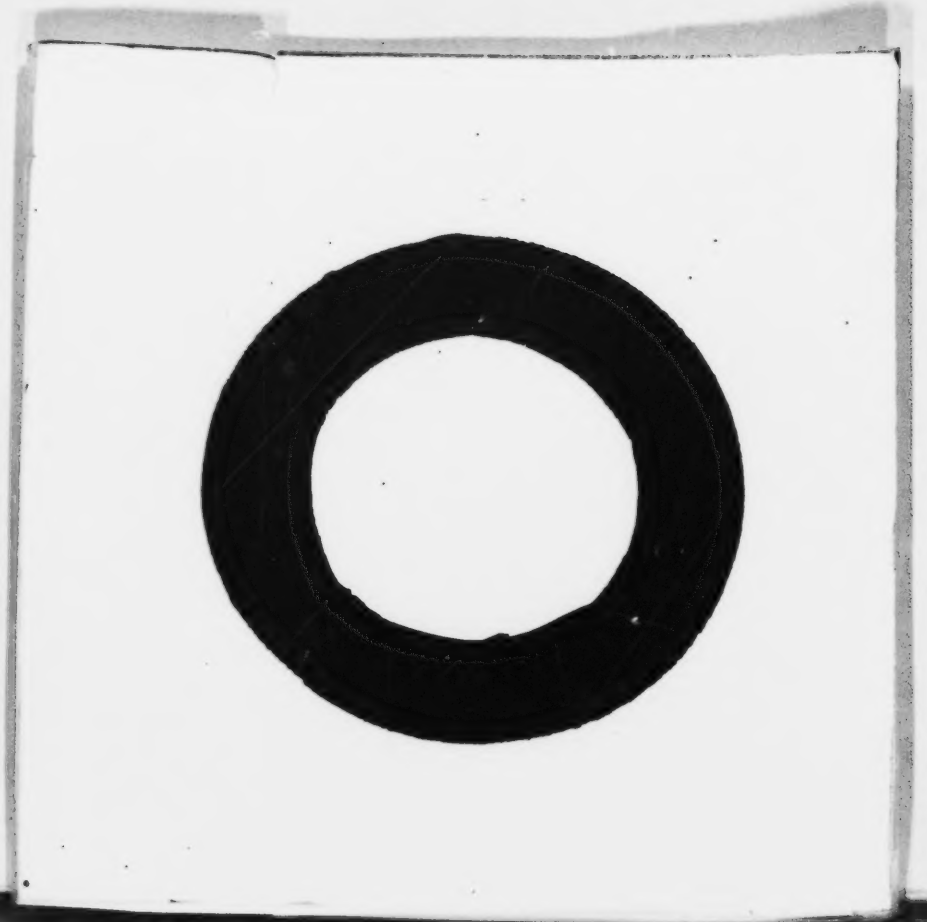
2. Requests also all such individuals and institutions to take immediate steps to return these items to their indigenous owners;

3. Recommends that Governments enact legislation requiring all individuals and all museums, universities and other institutions, public and private, to return the ownership and control of all indigenous peoples' skeletal remains, burial artifacts and other items of religious and cultural significance to indigenous peoples which are in their possession to their indigenous owners;

4. Entrusts Mrs. Erica-Irene Daes with the preparation of a working paper, on the question of the ownership and control of the cultural property of indigenous peoples for submission to the ninth session of the Working Group on Indigenous Populations;

5. Requests all organs and bodies of the United Nations system with relevant expertise, including United Nations Educational, Scientific and Cultural Organization, to provide Mrs. Daes with the information and assistance she may require for the completion of this task;

6. Requests the Secretary-General to give to Mrs. Erica-Irene A. Daes all the assistance she may require to carry out her work successfully.



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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

Draft resolution submitted by Ms. Daes, Mr. Despouy, Mr. Eide,
Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim and Mr. Treat

1990/.... Protection of journalists

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/2 of 31 August 1989 in which it requested Mr. Waleed Sadi to prepare, without financial implications a report on the feasibility of a study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness,

Recognizing that journalists and the mass media perform a distinct and critical role in bringing cases and situations of grave violations of human rights to the attention of the international community,

Noting that during the past 10 years more than 600 journalists were killed in the course of carrying out their duties or because of them,

1. Welcomes the report prepared by Mr. Waleed Sadi entitled "Protection of journalists" (E/CN.4/Sub.2/1990/17);

2. Decides to authorize the Chairman to entrust Mr. Sadi with the preparation of a preliminary study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness, with a view to exploring the possibility of developing some basic principles and guidelines in this respect;

3. Invites the rapporteur, in particular: (a) to analyse the different kinds of violations of journalistic rights, (b) to elaborate specific guarantees that may be necessary if journalists are to be able to pursue effectively their reporting of human rights violations, and (c) to propose concrete measures which the United Nations and member Governments might take to help protect and assist journalists and mass media personnel;

4. Decides to consider the above-mentioned study at its forty-third session;

5. Requests the Commission on Human Rights to recommend to the Economic and Social Council to authorize the undertaking of this study by Mr. Sadi.

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COMMISSION ON HUMAN RIGHTS

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Forty-second session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:

(a) QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION AND IMPRISONMENT;

(b) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY;

(c) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES;

(d) THE RIGHT TO A FAIR TRIAL

Draft resolution submitted by Ms. Bautista, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Maxim, Mr. Ramishvili, Mr. Sacher, Mr. Sadi and Mr. Suescún Monroy

Question of human rights of persons subjected to any form of detention and imprisonment: report of Mr. Louis Joinet

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1985/16 of 11 March 1985 in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse available information concerning the

practice of administrative detention without charge or trial, and to make appropriate recommendations to the Commission, and 1989/38 of 6 March 1989 and decision 1990/107 of 7 March 1990, in which the Commission again invited the Sub-Commission to make any recommendations it deems necessary,

Recalling its own decision 1989/111 of 1 September 1989 in which it expressed its appreciation for the excellent report on the practice of administrative detention submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27) and decided to examine the proposals to the Commission on Human Rights contained therein and his revised report as a matter of high priority at its forty-second session,

Having examined the revised report of Mr. Joinet (E/CN.4/Sub.2/1990/29) and the revised recommendations to the Commission on Human Rights (E/CN.4/Sub.2/1990/29/Add.1),

1. Again expresses its appreciation to Mr. Louis Joinet for the revised report on the practice of administrative detention;

2. Endorses the revised recommendations to the Commission on Human Rights;

3. Transmits to the Commission on Human Rights the recommendations made by the Special Rapporteur and endorsed by the Sub-Commission;

4. Invites the Commission to consider the different proposals contained in the recommendations, for the purpose of either acting upon one of them, if it so chooses, or requesting the Sub-Commission to elaborate further upon the proposal which the Commission deems the most appropriate;

5. Requests the Secretary-General to inform the Sub-Commission, at its forty-third session, of the action taken by the Commission pursuant to this resolution;

6. Decides to consider the issue of arbitrary or abusive detention under the agenda item entitled "Question of human rights of persons subjected to any form of detention and imprisonment", at its forty-third session, in light of the action taken by the Commission on Human Rights.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
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Forty-second session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Mr. Alfonso Martínez, Mrs. Daes and Mr. Türk

1990/.. Draft universal declaration of indigenous rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22, which endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which may be proclaimed by the General Assembly,

Recalling also its resolution 1989/34 of 1 September 1989, which endorsed the proposal to invite Governments and indigenous peoples' organizations to participate in informal, in-sessional and open-ended drafting groups to seek agreement on recommendations which might be made for consideration by the Working Group, and recommended that the Working Group be authorized to meet for 10 working days prior to the forty-second and forty-third sessions of the Sub-Commission for this purpose,

Taking note that the Economic and Social Council, by its decision 1990/238 of 25 May 1990, authorized the Working Group to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission, for the purpose of intensifying its efforts to complete the draft declaration, in consultation with interested Governments and organizations of indigenous peoples,

Believing that the Working Group can best fulfil its standard-setting task with the greatest possible direct participation of and consultation with interested Governments and organizations of indigenous peoples, and that this will require efforts to increase the accessibility of the sessions of the Working Group to indigenous peoples from the developing countries,

Reaffirming the decision of the Working Group, at its first session, that its working languages are Spanish and English,

Recognizing the importance of ensuring that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983, and welcoming in this regard the publication of a fact sheet on the rights of indigenous peoples as part of the World Campaign for Human Rights,

Having examined with satisfaction and appreciation the analytical commentary on the first revised text of the draft declaration (E/CN.4/Sub.2/1990/39), which was prepared by the Chairman/Rapporteur of the Working Group, Mrs. Daes, as well as the report and recommendations of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42),

Convinced of the urgent need to promote and protect the rights of indigenous peoples by means of a continued and comprehensive review of developments in this field, as well as through the evolution of standards, particularly by means of the preparation of a draft declaration,

1. Expresses its appreciation to the Working Group, and especially to its Chairman/Rapporteur, Mrs. Daes, for the progress made at its eighth session in carrying out its standard-setting mandate, with particular reference to its adoption of more comprehensive working drafts of the declaration of the rights of indigenous peoples, in consultations with Governments and organizations of indigenous peoples (E/CN.4/Sub.2/1990/42, annexes);

2. Expresses its deep satisfaction with the continued constructive participation of observers for Governments, indigenous peoples, specialized agencies, and non-governmental organizations, in the annual sessions of the Working Group;

3. Endorses the working methods adopted by the Working Group at its eighth session, including the establishment of informal drafting groups, and the facilitation of a dialogue between indigenous peoples, members of the Working Group, and Governments on developments in various parts of the world;

4. Encourages Governments and indigenous peoples to meet together at the national and regional levels, with the aim of seeking understanding and agreement on the principles which are contained in the draft declaration;

5. Welcomes the contributions made by Governments, indigenous peoples and non-governmental organizations to the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a significant number of representatives of indigenous peoples in the eighth session of the Working Group, and encourages continued and increased support for the activities of the Fund;

6. Recommends that the Board of Trustees of the Voluntary Fund give priority to applications for assistance from indigenous organizations in the developing countries;

7. Appeals to Governments, indigenous peoples, and non-governmental organizations to consider also making contributions to the Voluntary Fund for Advisory Services in the Field of Human Rights, to support training courses and informational activities aimed at preparing indigenous peoples' organizations to play a more effective role in the Working Group;

8. Requests the Secretary-General:

(a) To transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and suggestions aimed at the clarification, simplification, and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights, and indigenous peoples, as a matter of the highest priority, and in accordance with Sub-Commission resolution 1989/35, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

(e) To give all necessary assistance to the Working Group in discharging its tasks, including the more effective dissemination of information about its activities to indigenous peoples in every country to encourage their wider participation;

9. Recommends that the Chairman-Rapporteur of the Working Group, Mrs. Daes, be entrusted with the task of preparing an extensive analytical commentary on the articles of the draft declaration, based on her first revised text, the reports of the informal drafting groups, the debate at the eighth session of the Working Group, the written observations received in accordance with paragraph 8 (a) above, existing international human rights instruments, and other available comments;

10. Welcomes the assistance provided by the United Nations Centre on Transnational Corporations, in accordance with Sub-Commission resolution 1989/35, in compiling information on investments and operations on the lands of indigenous peoples, including lands currently in dispute, and encourages the widest possible participation in this study;

11. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

12. Decides to examine these issues at its forty-third session as a matter of high priority, under the item entitled "Discrimination against indigenous peoples";

13. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of ..... 1990, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, for the purpose of intensifying its efforts to complete a draft declaration on the rights of indigenous peoples in consultation with interested Governments and organizations of indigenous peoples."